

# Notice of Allowability

## Application No.

10/784,065

## Examiner

ABDULLAH AL KAWSAR

## Applicant(s)

MAGENHEIMER, DANIEL J.

## Art Unit

2195

### - The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/21/2010 and interview conducted on 9/23/2010.
2. ☒ The allowed claim(s) is/are 1,3-6,8-9,1120,22,24-25,27,29-31,33,35-37,39-40,42-47 are renumbered as claims 1-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 9/23/2010.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Lewis A. Bullock, Jr./  
Supervisory Patent Examiner, Art Unit 2193

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
  
2. Authorization for this examiner's amendment was given in a telephone interview with Dan C. Hu, Reg.# 40,025 on 9/23/2010.

**3. Please amend claims 11, 35 and 36 as following:**

11. (Currently Amended) A method comprising:  
implementing at least one operating system on a computer system;  
determining, by said at least one operating system in said computer system, whether said at least one operating system is a native operating system or a guest operating system on a virtual machine, wherein the determining is based on checking a variable set during a boot process of the computer system;

said at least one operating system operating in a first manner if determined that it is a native operating system, wherein the native operating system operates in a non-virtualized environment; and

said at least one operating system operating in a second manner if determined that it is a guest operating system on a virtual machine, wherein the guest operating system operates in a virtual environment provided by the virtual machine.

35. (Currently Amended) A system comprising:  
at least one processor;  
a flexible operating system executable on the at least one processor and that is capable of acting as either a native operating system or as a virtualized operating system; and  
~~means for determining the flexible operating system executable to determine~~ whether the flexible operating system is to be used as a native operating system in a non-virtualized environment without a Virtual Machine Monitor (VMM) or as a virtualized operating system in a

virtualized environment with the VMM, wherein the flexible operating system is executable to check ~~determining means checks~~ a variable set during a boot process of the system for determining whether the flexible operating system is being used as the native or as the virtualized operating system.

36. (Currently Amended) The system of claim 35 wherein the flexible operating system is executable to make ~~determining means makes~~ the determination during runtime of the system.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDULLAH AL KAWSAR whose telephone number is (571)270-3169. The examiner can normally be reached on 7:30am to 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng Ai T. An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lewis A. Bullock, Jr./  
Supervisory Patent Examiner, Art Unit 2193

/Abdullah-Al Kawsar/  
Examiner, Art Unit 2195